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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,735	04/20/2001	Gregg Freishtat	P3984	3037

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WATSONVILLE, CA 95076

EXAMINER
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KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
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3693

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10/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/839,735	<b>Applicant(s)</b> FREISHTAT ET AL.	
	<b>Examiner</b> STEFANOS KARMIS	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 32-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The following communication is in response to Applicant's amendment filed 30 June 2008.

#### ***Status of Claims***

2. Claims 32 and 37 are currently amended. Claims 1-31 were previously cancelled. Therefore claims 32-41 are currently pending.

#### ***Response to Arguments***

3. Applicant's arguments filed 30 June 2008, regarding the rejection of claims 32-41 under Reeder in view of Dent in view of Working at Home have been fully considered but are not persuasive.
4. Regarding claim 32, Applicant argues that Reeder fails to teach the first, second and third enterprise and that Reeder fails to teach scraping and aggregating personal information specific to a user. Examiner notes that independent claim 37, does not recite a second or third enterprise and therefore this argument appears to only be directed an independent claim 32.

The Examiner respectfully disagrees with the Applicant. Given, the broadest reasonable interpretation, Reeder teaches a first, second and third enterprise and that Reeder fails to teach scraping and aggregating personal information specific to a user. As stated in the rejection, Reeder teaches a first enterprise hosing integrated transaction services provided for scraping and aggregating personal information (PI) specific to an end user, and providing PI and transaction

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services to the end user (column 4, line 65 thru column 6, line 8 and column 9, line 55 thru column 10, line 22; Examiner notes that Reeder teaches a host data center that aggregates customer billing information). Reeder further teaches a second enterprise maintaining at least one financial account specific to the end user in which the end user has a monetary balance and a third enterprise for maintaining a billing account specific to the end user (column 4, line 65 thru column 7, line 6 and column 9, line 55 thru column 10, line 22 and column 14, lines 38 thru column 15, line 24; Examiner notes that Reeder teaches various accounts, including billing accounts that have statement indicating a balance to be paid (billing statement database) as well as a billing server that posts chargers to a customer's account). For at least these, reasons, Applicant's arguments are not persuasive.

5. Regarding claims 32-41, Applicant has broadened the claims by amending claims 32 and 37 to specify that the instruction to pay the bill using funds from a financial account can be done by dragging the indication of the financial account to the bill or by dragging the indication of the bill to the financial account. However, as stated in the previous rejection, Dent in view of Working at Home teach this limitation.

Dent teaches a consumer based system and method for managing and paying electronic billing statements in which there exists at least one indication representing a user's financial account (column 3, lines 38-44) and at least one indication representing at least one bill associated with a billing account for which a monetary balance is owed by the user (column 7, line 56 thru column 8, line 2). Dent further teaches instructing bill payment by dragging the indication of the bill to the account (column 8, lines 36 thru column 9, line 20 and Figure 7). It

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would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Reeder to include the drag and drop teachings of Dent since both Reeder and Dent teach account management specifically with billing and it specifies a method for an active interaction method of bill payment that keeps the customer informed of their billing information.

Reeder and Dent fail to teach dragging the account to the bill. Working At Home teaches personal finance software that helps to manage finances by keeping track of bank accounts, credit card accounts, expenses, taxes and income (page 2, top). One software discussed, Kiplinger's CA-Simply Money contains drag and drop buttons that allow a user to drag their checking account button and drop it on the electric company button to pay the electric bill (page 7, middle). This software therefore teaches dragging the account to the bill. Working At Home further teaches that buttons can be created for a plurality of accounts including bank accounts and credit card accounts, such as checking, savings, credit card and money market accounts (page 7, third paragraph under Kiplinger's heading). The buttons allow for performing basic finance tasks, liking scheduling payments and allow for bill payment by using a bill payment service (page 7, sixth paragraph under Kiplinger's heading). Since Reeder in view of Dent in further view of Working at Home teaches instructing bill payment by dragging accounts to the bill, Applicant's arguments are not persuasive.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 32-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeder et al. (hereinafter Reeder) U.S. Patent 5,852,812 in view of Dent et al. (hereinafter Dent) U.S. Patent 6,128,603 in further view of Making the Smart Investment In Personal Finance Software, Working At Home (hereinafter Working At Home).

Regarding claims 32 and 37, Reeder teaches a billing system for a network, comprising:

- a first enterprise hosing integrated transaction services provided for scraping and aggregating personal information (PI) specific to an end user, and providing PI and transaction services to the end user (column 4, line 65 thru column 6, line 8 and column 9, line 55 thru column 10, line 22);
- a second enterprise maintaining at least one financial account specific to the end user in which the end user ha a monetary balance (column 4, line 65 thru column 6, line 8 and column 9, line 55 thru column 10, line 22);
- a third enterprise maintaining a billing account specific to the end user (column 4, line 65 thru column 6, line 8 and column 9, line 55 thru column 10, line 22) and

Reeder also teaches interactive software programs provided by the first enterprise and executable on an end user appliance for the billing system (column 4, line 65 thru column 5, line 5 and column 6, line 20 thru column 7, line 41). Reeder fails to teach at least one indication representing the user's financial account, and at least one indication representing at least one bill

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associated with a billing account on which a balance is owed and instructing the first enterprise to pay the bill using funds from the financial account by dragging the indication of the account to the indication of the bill.

Dent teaches a consumer based system and method for managing and paying electronic billing statements in which there exists at least one indication representing a user's financial account (column 3, lines 38-44) and at least one indication representing at least one bill associated with a billing account for which a monetary balance is owed by the user (column 7, line 56 thru column 8, line 2). Dent further teaches instructing bill payment by dragging the indication of the bill to the account (column 8, lines 36 thru column 9, line 20 and Figure 7). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Reeder to include the drag and drop teachings of Dent since both Reeder and Dent teach account management specifically with billing and it specifies a method for an active interaction method of bill payment that keeps the customer informed of their billing information.

Reeder and Dent fail to teach dragging the account to the bill. Working At Home teaches personal finance software that helps to manage finances by keeping track of bank accounts, credit card accounts, expenses, taxes and income (page 2, top). One software discussed, Kiplinger's CA-Simply Money contains drag and drop buttons that allow a user to drag their checking account button and drop it on the electric company button to pay the electric bill (page 7, middle). This software therefore teaches dragging the account to the bill. Working At Home further teaches that buttons can be created for a plurality of accounts including bank accounts and credit card accounts, such as checking, savings, credit card and money market accounts

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(page 7, third paragraph under Kiplinger's heading). The buttons allow for performing basic finance tasks, liking scheduling payments and allow for bill payment by using a bill payment service (page 7, sixth paragraph under Kiplinger's heading). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Reeder in view of Dent to include the teachings of Working At Home because it allows for the payment of bills by manipulating a graphical user-interface similar to Dent. Since only one account is required in the claim, it would be obvious to one of ordinary skill in the art that dragging the account to the bill, or the bill to the account are obvious modifications since they accomplish the same instructions for payment.

Claims 33 and 38, Reeder teaches that the network is the Internet network (column 5, lines 66 thru column 6, line 8).

Claims 34 and 39, Dent teaches at least two or more indications representing bills due (column 7, lines 56 thru column 8, line 2 and Figure 5). Dent also teaches the use of a checking account in the bill payment and also allows for the cashflow analyzer to recommend at certain times, payment to other accounts such as credit cards (column 10, lines 1-14). This recommendation is an indication of a second account. Work At Home teaches that the buttons represent multiple accounts including bank and credit card accounts (page 7, middle). Work At Home teaches dragging one of the account buttons to the bill desired to pay (page 7, middle). Dent and Work At Home teach instructing bill payment with drag and drop software and both teach the ability to use bank accounts. While Dent teaches recommending using a credit card,



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Dent fails to actually teach implementing the credit card as drag and drop whereas Work At Home allows for a finance button such as bank account or credit card account to be dragged and drop for payment of a bill. Therefore, the bank account or credit card account button can be dragged for payment. There is sufficient motivation to combine the teachings of Reeder with Dent and Work At Home because they provide an efficient manner for paying bills.

Claims 35 and 40, wherein the billing information is provided to the service by the third enterprise maintaining a billing account specific to the end user (column 4, line 65 thru column 6, line 8 and column 9, line 55 thru column 10, line 22).

Claims 36 and 41, wherein the billing information is provided to the user and the user enters the billing information to the service utilizing the software (column 4, line 65 thru column 6, line 8 and column 9, line 55 thru column 10, line 22).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEFANOS KARMIS whose telephone number is (571)272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted  
/Stefanos Karmis/  
Examiner, Art Unit 3693  
07 October 2008